

REMARKS

This is in response to the Office Action dated December 1, 2009. Claims 79-82, 85-96 are pending in the application. Claims 1-78 were previously cancelled. Claims 83-84 are cancelled by the present amendment. Claims 79-81 and 89-92 are currently amended. Reconsideration of all pending claims is respectfully requested.

Claim Objections

Applicant acknowledges that misnumbered claim 94 has been renumbered 93 and that claims 95-97 have been renumbered claims 94-96.

Rejections under 35 U.S.C. §112

Claims 79, 89, and 90 are rejected under 35 U.S.C. §112, first paragraph, because the Examiner was unable to find support for the phrase "used/unused status" in the specification. Applicant respectfully submits that the phrase "used/unused status" would be understood by persons having ordinary skill in the art to be supported the specification, for example, page 7, line 26 - page 8, line 4, as meaning the status of a voucher as being redeemed or unredeemed. Nonetheless, in order to expedite prosecution of the application, claims 79, 89 and 90 are amended herein to remove the term "used/unused status." Applicant respectfully submits that the rejection under 35 U.S.C. §112 has been overcome and no new matter is added by the present amendment. Support for the amendment can be found in the specification on page 7, line 26 page 8, line 4, for example. Reconsideration is respectfully requested.

Rejections Under 35 U.S.C. §103

Each of the independent claims are amended herein to include the limitations of claims 83 and 84 which are cancelled by the present amendment.

With regard to the limitations of claim 83, the Examiner asserted that U.S. Patent No. 6,138,106 to Walker et al. (hereinafter "Walker") discloses "the method further comprising: said order specifying a selected one of a plurality of subscriber retailers (col. 11, lines 50-60)." Office Action page 6, lines 15 - 17. Applicant respectfully submits that, contrary to the Examiner's characterization, Walker does not teach or suggest anything about specifying a selected one of a plurality of subscriber. The cited portion of Walker recites:

It will be appreciated that, since the value of the gift certificate code and the value of the gifts remain concealed from and unknown to the redeemer of the certificate, the supplier(s) of the products has great flexibility in setting the price. The supplier can, for example, use a manufacturer's suggested retail price. Alternatively, he can set a discounted price, or vary the prices of the various items to revenue manage available gifts. Such revenue management can be done in real-time, as a function of customer selections. If, for example, a particular gift is not often selected and is accumulating in inventory, the price may be lowered. Since such a price adjustment is not made generally known to the public, it can be made without undercutting the advertised price charged in more traditional retail environments. Col. 11, lines 48-61.

Applicant respectfully submits that neither this excerpt nor any other combination of references teaches or suggests the elements of claim 83 which are presently amended into the independent claims.

With regard to the limitations of claim 84, the Examiner asserted that U.S. Patent Application Publication No. 2005/0197919 to Robertson (hereinafter "Robertson") "discloses the method further comprising: said prepaid voucher including voucher information identifying a selected subscriber of a plurality of subscriber retailers (fig. 2)." Office action, page 7, lines 13 - 15. Contrary to the Examiner's characterization, Applicant respectfully submits that Robertson teaches a gift certificate that can be redeemed at any participating electronic merchant (paragraph [0001]). This is opposite to Applicant's voucher identifying a selected subscriber. Nothing in fig. 2 or any combination of the cited references teaches or suggests anything about a voucher identifying a selected subscriber as particularly claimed.

Since neither Walker nor Robertson or any combination of the cited references teaches or suggests each element of the amended claims, Applicant respectfully submits that the rejections under 35 U.S.C. §103 have been overcome. Reconsideration and allowance of the amended claims is respectfully requested.

CONCLUSION

If any points remain an issue which the Examiner feels may be best resolved through a telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below. The Examiner is invited and encouraged to telephone the undersigned with any concerns in furtherance of the prosecution of the present application.

Please charge any deficiency as well as any other fee(s) which may become due at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account No. 50-2896.

Respectfully submitted,

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Dated:



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